



SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) FISCAL YEAR 2002 EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW (EPCRA)

U.S. EPA REGION 5 - Office of Regional Counsel

(An electronic version of this report is available at: <http://www.epa.gov/region5/orc/reports.htm>)

Introduction:

What are SEPs?

EPA defines SEPs as environmentally beneficial projects which a defendant/respondent agrees to undertake in settlement of an enforcement action, but which the defendant/respondent is not otherwise legally required to perform. On April 10, 1998, EPA issued its final SEP Policy (available at: <http://www.epa.gov/compliance/civil/seps/>), which sets forth, among other things, uses of SEPs, categories of SEPs, and legal guidelines for SEPs.

SEPs may not be appropriate in settlement of all cases, but they are an important part of EPA's enforcement program. While penalties play an important role in environmental protection by deterring violations and creating a level playing field, SEPs can play an additional role in securing significant environmental or public health protection and improvements. SEPs bring regulated entities above and beyond mere compliance with federal environmental laws. Also, a SEP may be particularly appropriate to further the objectives in the statutes EPA administers and to achieve other policy goals, including promoting pollution prevention and environmental justice. As a general rule, the net costs to be incurred by a violator in performing a SEP may be considered as one factor in determining an appropriate settlement amount. Thus, in some instances, a cash penalty may be lowered if the violator chooses to perform an acceptable SEP.

EPA encourages SEPs that fit into at least one of the following eight categories: 1) Public Health; 2) Pollution Prevention; 3) Pollution Reduction; 4) Environmental Restoration and Protection; 5) Emergency Planning and Preparedness; 6) Assessments and Audits; 7) Environmental Compliance Promotion; and 8) Other Types of Projects that have environment merit but do not fit within the categories listed above. Also, SEPs must be related to the alleged violation. Once a SEP is approved and agreed upon, EPA does not manage the SEP or control the money for the project, but does provide oversight to ensure that the company performs the SEP as agreed.

For a more complete description of EPA's SEP program please visit Region 5 ORC's SEP description Web page at: <http://www.epa.gov/region5/orc/annualreports/sepdescr.htm>.

ORC's SEP Case Lists

Below you will find two comprehensive, descriptive lists of all Region 5 enforcement cases concluded in Fiscal Year 2002 that include SEPs as part of the settlement agreement. The first list orders the cases alphabetically; the second list orders the cases by statute.

A few important notes concerning the content and format of these lists will help you, the reader, better understand the information the lists present.

For each case, the lists provide: 1) the name and address of the Defendant or Respondent (the term "Respondent" refers to the party to whom an administrative order was issued or an administrative complaint was served; the term "Defendant" refers to the party in a civil judicial lawsuit against whom relief is sought); 2) the enforcement action identifier number, which is the number the EPA uses to identify the case; 3) the type of SEP, i.e. Pollution Prevention, Pollution Reduction . . . etc., see SEP categories above; 4) the SEP description; 5) the value of the SEP; 6) the applicable statute; 7) the type of order, i.e. civil judicial or administrative; 8) the date of the order; 9) the original and final penalty; 10) the cost of the injunctive relief; and 11) the Quantitative Reductions (estimated), which indicate the estimated amount of pollutant projected to be reduced, eliminated or prevented as a result of the SEP.

As mentioned above, because EPA's SEP policy provides penalty mitigation incentives in those cases involving both a SEP and a monetary penalty, it is not uncommon to find that the penalty has been reduced upon the successful negotiation of the SEP. For this reason, both the original and the final penalties are provided for those cases that include a penalty.

It is also worth noting that this report simply describes the SEP that the Respondent or Defendant agreed to undertake as part of the settlement, it does not indicate whether the SEP has been completed. Accordingly, the "Value of SEP" number may not reflect the actual cost of the SEP; rather, this number represents the projected cost value of the SEP at the time of settlement.

For more information about Region 5 Office of Regional Counsel's FY 2002 end-of-year reports, go to: <http://www.epa.gov/region5/orc/reports.htm>.

EPCRA

Number of EPCRA cases with SEPs:	7
Total cost value of SEPs in EPCRA cases:	\$497,029
Value of final penalties in EPCRA cases with SEPs:	\$287,150
Number of pollution prevention SEPs in EPCRA cases:	3

The Elco Corporation 1000 Belt Line St. Cleveland, OH

Enforcement Action Identifier:	05-2001-0473
Attorney/Program Contacts:	Jeff Cahn/James Entzminger
Type of SEP:	Pollution Prevention/Equipment-Technology Modification
SEP Description:	The Elco Corporation will build a secondary containment structure around their acid storage tanks and they will move their hydrochloric acid scrubbers into the containment area. This will prevent any acid spills from entering the sewer system and the environment.

Value of SEP: \$30,575
Statute: Emergency Planning & Community Right-To-Know Act
Type of Order: Administrative Penalty Order
Date of Order: 04/29/2002
Original/Final Penalty: \$35,065/\$5,098
Cost of Injunctive Relief: \$0
Quantitative Reductions (estimated amount):N/A

Foremost Farms USA
501 S. Pine NA
Reedsburg, WI

Enforcement Action Identifier: 05-2002-1017
Attorney/Program Contacts: Richard Wagner/Ruth McNamara
Type of SEP: Pollution Reduction
SEP Description: Foremost Farms will install emergency shut-off valves via remote control and ammonia leak detectors at several of their Wisconsin facilities. These valves and sensors will detect the presence of ammonia signaling alarms and warning light, which will alert plant personnel of a release.

Value of SEP: \$107,133
Statute: Emergency Planning & Community Right-To-Know Act
Type of Order: Administrative Penalty Order
Date of Order: 09/26/2002
Original/Final Penalty: \$140,051/\$24,106
Cost of Injunctive Relief: \$0
Quantitative Reductions (estimated amount):N/A

John Morrell & Co
801 E. Kemper Rd.
Springdale, OH

Enforcement Action Identifier: 05-2001-0460
Attorney/Program Contacts: Robert Guenther/James Entzminger
Type of SEP: Pollution Prevention/Equipment-Technology Modification
SEP Description: John Morrell & Company will replace seven smoke generators with seven super-heated smoke generators and they will install scrubbers on the smoke generators.
Value of SEP: \$253,411

Statute: Emergency Planning and Community Right-To-Know Act
Type of Order: Administrative Penalty Order
Date of Order: 01/16/2002
Original/Final Penalty: \$1,555,830/\$208,111
Cost of Injunctive Relief: \$0
Quantitative Reductions (estimated amount): 4 tons of particulate matter; 33 tons of volatile organic compounds (VOCs); hydrocarbons; particulate matter.

SPX Service Solutions
655 Eisenhower Dr.
Owatonna, MN

Enforcement Action Identifier: 05-2002-0068
Attorney/Program Contacts: Thomas Kenney/Ruth McNamara
Type of SEP: Emergency Planning and Preparedness
SEP Description: SPX service solutions will purchase and donate hazardous materials equipment to the Owatonna Fire Department, Owatonna, Minnesota.
Value of SEP: \$7,000
Statute: Emergency Planning & Community Right-To-Know Act
Type of Order: Administrative Penalty Order
Date of Order: 05/24/2002
Original/Final Penalty: \$13,752/\$3,339
Cost of Injunctive Relief: \$0
Quantitative Reductions (estimated amount): N/A

Swagelok Company
358 Bishop Rd.
Highland Heights, OH

Enforcement Action Identifier: 05-2002-1061
Attorney/Program Contacts: Jeff Cahn/James Entzminger
Type of SEP: Pollution Reduction
SEP Description: The facility will purchase and install 15 oil mist collectors.
Value of SEP: \$13,622
Statute: Emergency Planning & Community Right-To-Know Act
Type of Order: Administrative Penalty Order
Date of Order: 09/23/2002
Original/Final Penalty: \$3,873/\$3,873
Cost of Injunctive Relief: \$0

Quantitative Reductions (estimated amount):N/A

VTC, INC.
2800 E. Old Shakopee Rd.
Bloomington, MN

Enforcement Action Identifier:

05-2001-0086

Attorney/Program Contacts:

Deborah Carlson /Ruth McNamara

Type of SEP:

Pollution Prevention/Energy Efficiency-Conservation

SEP Description:

1) VTC will Install 2 degassifier membrane contacts in the reverse osmosis system used to deionize water in their semiconductor manufacturing facility. These membranes will replace the need for 15.5 tons of sodium hydroxide and will provide a significant reduction in chemical discharged to the storm sewer. **2)** VTC will substitute trans-LC for 111-trichloroethane as a cleaning agent for their high pressure oxidation tool in the dvd/diffusion area of their water fabrication process. **3)** VTC agreed to reduce isopropyl alcohol replenish times from 15 seconds resulting in a 30% reduction of isopropyl alcohol. **4)** VTC agreed to reduce the use of sulfuric acid at their 8" manufacturing line. **5)** VTC agreed to install a scrubber that substituted reverse osmosis reject water for the semiconductor line reducing the use of city water by over one million gallons each year. **6)** VTC agreed to add two additional inlets to an existing scrubber that would allow for the capture and scrubbing of hydrogen chloride, hydrogen fluoride and perfluorocarbon by-products from their water fabrication process.

Value of SEP:

\$71,666

Statute:

Emergency Planning and Community Right-To-Know Act

Type of Order:

Administrative Penalty Order

Date of Order:

11/6/2001

Original/Final Penalty:

\$240,750/\$36,800

Cost of Injunctive Relief:

\$0

Quantitative Reductions (estimated amount):15 tons of sodium hydroxide; hydrogen chloride; hydrogen fluoride; isopropyl alcohol.

